IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION UNDER 37 C.F.R. 1.47(a)

A joint inventor, Mr. Don P. Mitchell, could not be found or reached following a diligent effort to contact him. The following statement of facts and identified proof describe the efforts taken to locate and contact Mr. Don P. Mitchell:

- 1. On July 10, 2001, an employee of Microsoft Corp., Bryan Imai forwarded an electronic mail (e-mail) (see attachment A) to my assisting paralegal, Lori Vierra, stating that Mr. Don P. Mitchell is no longer an employee of Microsoft Corp. and that members of the in-house legal team have been unable to obtain the signature of Mr. Don P. Mitchell on the formal papers that were sent to him.
- 2. Following receipt of this above-referenced e-mail, on July 11, 2001, my assisting paralegal, Lori Vierra, prepared and forwarded a new package containing a cover letter (see attachment B), a copy of the above-identified patent application, a corresponding combined declaration and power of attorney, an assignment, and a prepaid return envelope, via FedEx (see attachment C), to Mr. Don P. Mitchell at his last known address of 2621 168th Avenue NE, Bellevue, WA 98008.
- On July 23, 2001, my assisting paralegal, Lori Vierra, accessed an Online FedEx
 Tracking service (via the Internet) and found that FedEx delivered said package

Subsequently, beginning in late July of 2001 and extending through late September 2001, I made several telephone calls, at varying times in the day and evening, to Mr. Don P. Mitchell at (425) 936-4716, wherein each call was answered by an answering machine, on later occasions the recorded voice on the answering machine message identified the number as belonging to Don As of the date of signing of this petition, no reply from Mr. Don P. Mitchell has been received by me or any other employees of Lee & Hayes, PLLC. I hereby declare that the statements made herein of my own knowledge are true. It is respectfully requested that this Petition under 37 C.F.R. 1.47(a) be granted. Thomas A. Jolly Reg. No. 39,241 Copy of a cover letter from package sent to Mr. Don P. Mitchell. Copy of a FedEx receipt for package sent to Mr. Don P. Mitchell. C. Copy of an e-mailed FedEx tracking report for package sent to Mr. Don P. D.

Mitchell.

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Lori Vierra

Attachment A

From: Bryan Imai (LCA) [bryani@microsoft.com]

Sent: Tuesday, July 10, 2001 3:39 PM

To: lori@leehayes.com

Cc: Jack Bradley (LCA); Sonja Anderson (LCA); Bryan Imai

Subject: RE: Missing Parts MS #146851.1 / MS1-531US

Lori.

Jack and I have taken responsibility for this case. Sonja has obtained John Snyder's signature, and I will be forwarding that on to you momentarily. Don Mitchell is no longer a Microsoft employee, and has been reluctant (or just tardy) in signing the papers that were sent to him.

Please go ahead and follow up with Don in getting his signature. I have included his contact information below.

Don P. Mitchell 2621 168th Avenue NE Bellevue, WA 98008 (425) 936-4716

Thanks, Bryan

----Original Message----

From: Lori Vierra [mailto:Lori@leehayes.com]

Sent: Friday, July 06, 2001 2:13 PM

To: Sonja Anderson (LCA)

Cc: LHDocket

Subject: FW: Missing Parts MS #146851.1 / MS1-531US

Sonja,

The due date for these Missing Parts is 7/30/01 with a 2 month extension. Do you think we'll make this date?

Thanks!

Lori

----Original Message----

From: Sonja Anderson (LCA) [mailto:sanders@microsoft.com]

Sent: Tuesday, June 12, 2001 10:58 AM

To: Lori Vierra

Cc: LHDocket; Sonja Anderson (LCA)

Subject: Missing Parts MS #146851.1 / MS1-531US

Hi Lori - I will obtain John Snyder's signature for the matter referenced above.

Thank you,

Sonja

----Original Message----

From: Lori Vierra [mailto:Lori@leehayes.com] Sent: Tuesday, June 12, 2001 10:18 AM

To: Sonja Anderson (LCA)

Cc: LHDocket

Subject: FW: Missing Parts MS #146851.1 / MS1-531US

Attachment B

July 11, 2001

lee@hayes

421 west riverside avenue, suite 500, spokane, washington 9920

Don P. Mitchell 2621 168th Avenue NE Bellevue, WA 98008

RE: Microsoft Patent Application No. 09/761,558

"Sampling-Efficient Mapping of Images"

Dear Mr. Mitchell:

Enclosed are formal papers (as well as a copy of the application itself and drawings as filed) relating to the above-mentioned patent application. Please sign where indicated, and return the executed documents, at your earliest possible convenience, in the enclosed self- addressed, prepaid Federal Express envelope.

Should you have any questions regarding this matter, please do not hesitate to call me at (509) 324-9256, extension 230. I can also be reached via email at lori@leehayes.com. If there are any outstanding issues regarding this application, please contact the attorney, Tom Jolly, at (509) 324-9256, extension 229.

Thank you, in advance, for your prompt response to this request.

Sincerely,

Lori Vierra

Paralegal

Attachment C

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